1951. K File No. Fees Spl Counsel
Legal Deptt. 51

C BRANCH

Subject:— Payment of Fees to special Counsel engaged for defending Government Cases

File No. Fees Spl Counsel 151

Gen. 154 A.

839-C

CONFIDENTIAL

Legal Department

Vol. Fees Spl. Counsel/51

Sr. No.	Compiliation No.	Subject.
	Fees Spl. Counsel/51	Payment of fees to Special Counsel engaged for defending Government cases.
1.	R.I.No.2575/18-2-49	Letter from G.P.H.C. Bombay Re: Cr. Appeal No.182/48.
2.	G.R.L.D.No.1162/18-2-51	Sanction of fees to Shri M.H.Vin at the rate of Rs.150/- per day from 17-6-50 to 22-6-50.
3.	G.R.L.D.No.13173/ 17-8-51	T.A. to Shri Motilal Vin. Special Public Prosecutor.
4.		Bill of Rs.2560/- to Shri G.N. Joshi.
5.		Bill of Rs.150/- to Shri H.M. Seervai.

By 6/11/17

Submitted with pp.

This is a request from Rao Bahadur Chandavar..., Pleader, Karwar, for special fees for instructing the G.P.High Court in Cr.Appeal No.182 of 1948 (Mr.M.V.Habbu vs.Imperator) for the reasons explained therein and First Class T.A.

Rao Bahadur Chandavarkar was appointed as a Special Public Prosecutor for conducting the Sess. C.No.5 of 1947 in the Sessions Court at Kanara and was the usual fee of Rs.20/- per diam as admissible under the L.O.Rs. He applied for enhanced fees but his request was turned down by Govt. On the ground that he was given an assistance in P.P., Kanara.

On the request of the G.P.High Court R/B Chandavarkar xxxx had to be called by wire to give the necessary instructions to the G.P.High Court.

Ordinary fee admissible under the L.O.Rs. to a D.G.P. for instructing the G.P. is Rs.20/- per day plus Rs.12-8-0 outstation plus usual T./ 2nd Class.

Rao Bahadur Chandavarkar is not a law officer and his request for special fees plus 1st class T.A. will have to be considered in the light of the circumstances viz. that he had no time to put in his own terms and also that he had to forego his practice for ten days. It appears therefore that his request for enhanced fees and 1st class T.A. appears reasonable [redacted] enhanced fee at the rate of Rs [redacted] Judge Kanara and the D.M. [redacted] the said Case in the Sess court [redacted].

There are no precedents on the point. Any enhanced fees and T.A. will require F.D's sanction.

AS. Sd/

Resubmitted.

D.G.P. and PP. are and grade offices their pays ray from Rs.110 to Rs.193 they are not affected by the recent railway classific tion please see F.D.G.R. No.1922/33 eated the 29th Dec.1948.

A.S. Mr.Chandrarkar req.est is for orders.

R.L-A. 5/8

Rao Bahadur Chandavalkar has by his efforts ultimately secured ~~seemed aconnection~~ conviction. The G.P. was diffident at first; and I am concerned that R.B.Chandavalkar's instructions were ~~will~~ involuable. We did not sanction him any special fees for the work he had on the Karwar Courts in a very protracted trial. In the circumsances I would recommend a lump fee of Rs.500 (the fees for the G.P. would have been 525) and first class T.A.both ways.

The propsoal is accepted in F.D.Br.

Sd/ P.M.Lad. RKM.9/6/

C O N T E N T S

Legal Department

Vol. Fees Spl. Counsel/51.

Sr. No.	Compiliation No.	Subject.	Pages.
	Fees Spl. Counsel/51	Payment of fees to Special Counsel engaged for defending Government cases.	
1.	R.I.No.2576/18-2-49	Letter from G.P.H.C. Bombay Re: Cr. Appeal No.182/48.	
2.	G.R.L.D.No.1162/18-2-51	Sanction of fees to Shri M.H.Vin at the rate of Rs.150/- per day from 17-6-50 to 22-6-50	
3.	G.R.L.D.No.13173/ 17-8-51	T.A. to Shri Motilal Vin. Special Public Prosecutor	
4.		Bill of Rs.2560/- to Shri G.N. Joshi.	
5.		Bill of Rs.150/- to Shri H.M. Seervai.	

No.5227 •
Legal Department,
Bombay Castle, 12th May 1949.

Subject:- Criminal Appeal No.182/48.
(M.V.Habbu Vs.Imperator).

MEMORANDUM.

The undersigned presents compliments to the Accountant General, Bombay and is directed to convey the sanction of Government to the payment of, a lump fee of Rs. 500/(Rupees five hundred only) plus first class travelling allowance from Karwar to Bombay and back, to R/b M.G.Chandavarkar, Pleader, Karwar, for coming over to Bombay for instructing the Government Pleader, High Court, Bombay in Criminal Appeal No.182/48, (M.V.Habbu Vs.Imperator).

By order of the Governor of Bombay.

Sd/

For Secretary to Government.
Legal Department.

EKM.72/6

No.DA.III.27-SD/1527. Bombay, 16 July 1949.

From

The Accountant General, Bombay.

To

The Treasury Officer,
Kanara, Karwar.

Subject:- Payment of fees.

Sir,

I have to authorise you to pay Rs.(500-0-0) five hundred plus 1st class travelling allowance from Karwar to Bombay and back to the District Magistrate, Kanara, for payment to Rao Bahadur M.G.Chandavarkar , Pleader, Karwar, as sanctioned in Govt.L.D.No.5227, dated 12.8.1949 (copy enclosed)

Letter.

Yours faithfully,
Sd.R.V.Samant.
Assistant Accounts Officer,

No.DA.III-27.SD/1530, Bombay, the 16th July 1949.

Copy forwarded to Rao Bahadur M.G.Chandavarkar, Pleader, Karwar for information.

Sd: R.V.Samant.

Assistant Accounts Officer.

EKN.7/6/

" True Copy"

No.9024

Office of the
Remembrancer of Legal A.
Bombay Castle, 19th August 1949

To

M.G.Chandavarkar,
Pleader, Karwar.

Subject: Criminal Appeal No.182
-1948(M.V.Habbu Vs.Imperator).

Sir,

With reference to your letter dated the 27th July 1949 on the above subject, I have the honour to inform you that since the Accountant General,Bombay has authorised the Treasury Officer,Karwar, to pay the amount in question to the District Magistrate,Karwar, you shoul accordingly prefer a fresh bill to the District Magistrate, Karwar.

The bill returned to you duly countersinged, may returned to this office.

Yours faithfully,

Sd/ P.M.Mad.

for Remembrancer of Legal Affairs.

KKM.7/8/

Acharvad,

Broach, 6th December 1950.

From

Shri Motilal H.Vin B.A., LL.B., Advocate,

BROACH.

To

The Remembrancer of Legal Affairs,

Bombay.

Sir,

I have the honour to send herewith my bill for fees for conducting at Baroda Sessions case No.43 of 1948-49 (Shanta Murder case) and for going to Bombay and instructing the Government Pleader, Bombay for the appeal filed by the accused who were convited in the said case. Along with the bill I also send two appointment orders and two certificates of attendance.

I had to go to Baroda from Broach to conduct the case and whenever there was a break I used to come back to Broach. I had to undertake 8 journeys to Baroda and 8 journeys back to Broach as per particulars shown in the annexed list. I travelled first class excepting on one occasion when I went from Broach to Baroda by IIIrd class as I could not get accommodation in higher class and on two occasions I travelled by 2nd class. I regret I have not got the particulars of these journeys. In all therefor I had 13 journeys by 1st Class, 2 by 2nd class and one by 3rd class between Broach and Baroda. I believe I am entitled to extra 1st class fare for single journey that I undertake. I am therefore entitled to 8 1st class fares for the 16 single journeys which I undertook. The fares of the respective classes between Broach and Baroda are as under:-

1st Class Rs. 5.8.0.
2nd Class Rs. 3.4.0.
3rd Class Rs. 0-15.0.

I had undertaken one journey from Broach to Bombay and back when I went there to instruct the Government pleader, Bombay. First Class fare between bombay and Broach is Rs.25/-

P.T.O.

Acharvad,

Broach,6th December 1950.

From

Shri Motilal H.Vin B.A.,LL.B.,Advocate,

BROACH.

To

The Remembrancer of Legal Affairs,

Bombay.

Sir;

I have the honour to send herewith my bill for fees for conducting at Baroda Sessions case No.43 of 1948-49 (Shanta Murder case) and for going to Bombay and instructing the Government Pleader, Bombay for the appeal filed by the accused who were convited in the said case. Along with the bill I also send two appointment o ders and two certificates of attendance.

I had to go to Baroda from Broach to conduct the case and whenever there was a break I used to come back to Broach. I had to undertake 8 journeys to Baroda and 8 journeys back to Broach as per particulars shown in the annexed list. I travelled first class e xcepting on one occasion when I went from Broach to Baroda by IIIrd class as I could not get accommodation in higher class and on two occasions I travelled by 2nd class. I regret I have not got the particulars of these journeys. In all therefor I ~~xxxxxxx~~ had 13 journeys by 1st Class, 2 by 2nd class and one by 3rd class between Broach and Baroda. I believe I am entitled to extra Ist class fare for e very single journey that I undertake. I am therefore entitled to 8 Ist class fares for the 16 single journeys which I undertook. The fares of the respective classes between Broach and Baroda are as under:-

Ist Class - Rs. 5.8.0.
2nd Class Rs. 3.4.0.
3rd Class Rs. 0-15.0.

Acharvad,

Broach, 6th December 1950.

From

Shri Motilal H.Vin B.A., LL.B., Advocate,

BROACH.

To

The Remembrancer of Legal Affairs,

Bombay.

Sir,

I have the honour to send herewith my bill for fees for conducting at Baroda Sessions case No.43 of 1948-49 (Shanta Murder case) and for going to Bombay and instructing the Government Pleader, Bombay for the appeal filed by the accused who were convited in the said case. Along with the bill I also send two appointment o ders and two certificates of attendance.

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Ist Class - Rs. 5.8.0.
2nd Class Rs. 3.4.0.
3rd Class Rs. 0-15.0.

I had undertaken one journey from Broach to Bombay and back when I went there to instruct the Government pleader, Bombay. First Class fare between Bombay and Broach is Rs.35/-

p.t.o.

— all I am entitled to Rs.197-15.0 for my travelling expenses as per details given below:-

Rs. 71.8.0 for 13 actual first class journeys Rs.5.8.0. for each journey.

Rs. 6.8.0. for 2nd class actual journey Rs.6.8.0 for each journey.

Rs. 0.15.0. for one third class actual journey Rs.0.15.0 for a Single journey.

Rs. [redacted]0.0. Extra allowance of ½ first class fare for 16 single journeys undertaken by me.

Rs. 50-0.0. For journey by 1st class from Broach to Bombay and back.
Rs. 25,0.0. Extra 1st class [redacted] fare for two single journeys undertaken between [redacted] Broach as above.

Rs.197.15.0. Total.

I have therefore to request you to please order payment of Rs.5250/- for my fees and Rs.197.15.0 for my travelling expenses.

Yours faithfully.

Sd/-

GOVERNMENT OF BOMBAY.

Resolution No.1162
Legal Department,
Bombay Castle 18th January 1951.

Read Government Resolution Legal Department No.10686 dated 21st September 1949.

Government telegram to Shri Motilal H.Vin No.8078 dated 14-6-1950 requesting him to instruct the Government Pleader, High Court, Bombay in the Shanta Murder Appeal before the High Court.

Letter from the Government Pleader, High Court, Bombay No.3465 dated 22-6-50 certifying that Shri Motilal Vin instructed the Government Pleader, High Court on 17th & 18th June 1950 and was present in the High Court from the 19th 22nd June 1950.

RESOLUTION. Sanction is accorded to the payment of fees to Shri Motilal.H.Vin at the rate of Rs.150/- per day from 17-6-1950 to 22-6-1950 for instructing the Government Pleader High Cou-rt and for being present in the High Court.

By order of the Governor of Bombay.

Sd/- T.O.BHOSALE.
Deputy Secretary to Government.

To

The Finance Department,
The Accountant General, (thro' the Finance Department)
The Government Pleader, High Court, Bombay.
Shri Motilal H.Vin.

EKM.7/6/

Travelling Allowance to Shri Motilal Vin, Special Public Prosecutor.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 13173
Bombay Castle, 17th August 1951.

Read Government Resolution, Legal Department, No.10886, dated the 21st September 1949.

Read letter dated the 6th December 1950, from Shri Motilal Vin, Special Public Prosecutor, Broach.

Read Government Resolution, Legal Department, No.1162 dated the 13th January 1951.

RESOLUTION. :- Sanction is accorded to the payment of a sum of Rs.197-15-0 (Rupees one hundred ninety seven and annas fifteen only) to Shri Motilal Vin, Special Public Prosecutor, Broach as a Baroda and back to conduct the Shanta Murder case at Baroda and for journies from Broach to Bombay and back to instruct the Government Pleader, High Court, Bombay, in the Shanta Murder Appeal at Bombay.

2. The expenditure should be met from the current year's provision made under "27-B Administration of Justice-[illegible] Officers-3 Mofusil Establishment 2(3) -Allowances, Honoraria etc. Fees in Government Criminal and Civil Cases."

By order of the Governor of Bombay,

Sd/ Akbar S.Jagirdar.

Secretary to Government.

To

[illegible],
[illegible]General, Bombay (through F.D).
[illegible] Special Public Prosecutor,
[illegible], Broach,
The [illegible], Baroda.

EKM.7/6/

Submitted for signature.

Sd/

SVA 6/7

6/7